

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Tony Hammond, Vice Chairman;
Mark Acton; and
Nanci E. Langley

Annual Compliance Report, 2017

Docket No. ACR2017

ORDER ON UPS' MOTION FOR ACCESS

(Issued January 18, 2018)

On January 5, 2018, United Parcel Service, Inc. (UPS) filed a motion pursuant to 39 C.F.R. §§ 3001.21 and 3007.50 requesting access to certain non-public library references filed as part of the Postal Service's Annual Compliance Report (ACR).¹ The Motion includes a list of outside counsel and consultants and certifications for each. Motion, Exhibit 1; Appendix A.

UPS also requests continued access to the non-public library references granted to it in Docket Nos. ACR2014, ACR2015, ACR2016, and RM2016-2, to review purposes of this docket. Motion at 1.² UPS seeks access to these library references

¹ United Parcel Service, Inc.'s Motion Requesting Access to Non-Public Materials Under Protective Conditions, January 5, 2018, at 1 (Motion). UPS seeks access to non-public Library References USPS-FY2017-NP10, -NP11, -NP12, -NP13, -NP14, -NP21, -NP22, NP-23, and -NP24. *Id.*

² See Docket No. RM2016-2, Order Granting Unopposed Request for Continued Access to Non-Public Materials Under Seal, October 15, 2015 (Order No. 2756); Docket No. ACR2015, Order Granting First Motion for Access, January 15, 2016 (Order No. 3033); Docket No. ACR2015, Order Granting Revised Second Motion for Access, January 22, 2016 (Order No. 3044); Docket Nos. ACR2016 and RM2017-1, Order Granting Motion for Access, January 10, 2017 (Order No. 3741).

for its outside counsel and consultants only, and represents that such access will enable its outside counsel and consultants to assist UPS in making comments in this docket. Motion at 2.

On January 12, 2018, the Postal Service filed a response to the Motion stating that it does not oppose the request for access to any of the library references identified except for Library Reference USPS-FY17-NP14.³ It expresses concern that disclosure of the materials contained in this library reference would adversely impact third-party interest in pursuing business with the Postal Service, which would lead to a potential loss of business and damaged business relationships. Postal Service Response at 3-4. The Postal Service also states that it has already received feedback from one of its business partners opposing UPS' request for access to Library Reference USPS-FY17-NP14. Postal Service Response at 4.

On January 17, 2018, UPS filed a reply stating that "[i]n the interests of avoiding any dispute and facilitating prompt access to the other files, but without necessarily agreeing with the Postal Service's reasons for opposing its access to [Library Reference USPS-FY17-NP14]," it was willingly withdrawing its request to access this library reference.⁴

As the Postal Service represents that it does not oppose access to the remaining files identified in the Motion, the Commission grants access to the library references identified therein with the exception of Library Reference USPS-FY17-NP14. The Commission also grants continued access to the non-public library references granted to UPS in Docket Nos. ACR2014, ACR2015, ACR2016, and RM2016-2.

³ United States Postal Service Response to United Parcel Service Inc.'s Motion Requesting Access to Non-Public Materials Under Protective Conditions, January 12, 2018, at 1 (Postal Service Response).

⁴ United Parcel Service, Inc.'s Reply to United States Postal Service's Response to Motion Requesting Access to Non-Public Materials Under Protective Conditions, January 17, 2018, at 1 (UPS Reply).

It is ordered:

1. United Parcel Service, Inc.'s Motion for Access, is granted in part, and access is hereby granted to the non-public materials for use in Docket No. ACR2017 for Library References USPS-FY17-NP10, -NP11, -NP12, -NP13, -NP21, -NP22, NP-23, and -NP24.
2. United Parcel Service, Inc.'s Motion for Access for Library Reference USPS-FY17-NP14 has been withdrawn and therefore access will not be provided.
3. Effective upon issuance of this Order, the outside counsel and consultants covered by the Motion are each granted access to the non-public materials.
4. United Parcel Service, Inc. is hereby granted continued access to the non-public materials in Docket Nos. ACR2014, ACR2015, ACR2016, and RM2016-2 for use in Docket No. ACR2017.

By the Commission.

Stacy L. Ruble
Secretary